GWANGBOK ARCHIVE / PRIMARY 17

Nationality Act

국적법

Republic of Korea · 20 December 1948

Original Korean source · English translation, Gwangbok Archive

ACT NO. 16 · 20 DECEMBER 1948

Original title
: 국적법 (國籍法)

Legal instrument
: Act No. 16 (법률 제16호)

Enacted / effective
: 20 December 1948 / 20 December 1948

Issuing state
: Republic of Korea

Text covered
: Original enactment: Articles 1–16 and one supplementary provision

Base transcription
: National Law Information Center, original 1948 enacted text (lsiSeq = 4319)

Edition
: Gwangbok Archive · Korean original / independent English translation

Historical introduction

Enacted on 20 December 1948, the Nationality Act was one of the new Republic of Korea's earliest statutes. It set out the legal conditions for acquiring, losing, and recovering Korean nationality after the establishment of the Republic in August 1948. Article 1 states the statute's purpose, while Article 2 specifies who is a Korean national from birth and Article 3 identifies additional means of acquiring nationality. The National Archives of Korea describes the original enactment as defining the requirements for becoming a national of the Republic of Korea.

The law reflects the legal and social assumptions of 1948. Its birth-nationality provisions normally traced nationality through the father; several provisions linked a married woman's nationality to her husband's; and Article 10 excluded naturalized persons and certain derivative nationality holders from specified senior offices. These are historical features of the 1948 enactment, not statements of current law.

In the context of Gwangbok, this enactment provides a primary legal source for the state-building process: it shows how the new Republic defined membership in the polity, the position of families of mixed nationality, the government's naturalization authority, and the publication procedure that gave naturalization legal effect.

Textual and translation policy

The Korean column follows the National Law Information Center's historical text of Act No. 16 as enacted on 20 December 1948. Original spellings, spacing, and gender-specific formulations are retained, including "부또는," "처또는," and "국민되는." The English column is a historical translation of the 1948 wording, not a modern consolidated statute or an officially authenticated English legal text. Numbered subparagraphs are shown in matched sequence; explanatory wording appears only in the editorial notes.

Primary source / facing translation

Original Korean and English Translation

Act No. 16 · 20 December 1948 · Original enactment

Original Korean legal text at left; line-by-line English translation at right. Article numbers and internal list numbers correspond to the source.

제1조 본법은 대한민국의 국민되는 요건을 규정한다.	ARTICLE 1 This Act prescribes the requirements for becoming a national of the Republic of Korea.
제2조 다음 각호의 1에 해당하는 자는 대한민국의 국민이다. 1. 출생한 당시에 부가 대한민국의 국민인 자 2. 출생하기 전에 부가 사망한 때에는 사망한 당시에 대한민국의 국민이던 자 3. 부가 분명하지 아니한 때 또는 국적이 없는 때에는 모가 대한민국의 국민인 자 4. 부모가 모두 분명하지 아니한 때 또는 국적이 없는 때에는 대한민국에서 출생한 자 대한민국에서 발견된 기아는 대한민국에서 출생한 것으로 추정한다.	ARTICLE 2 A person who falls within any of the following subparagraphs is a national of the Republic of Korea: 1. A person whose father was a national of the Republic of Korea at the time of that person's birth; 2. A person whose father died before that person's birth, if the father was a national of the Republic of Korea at the time of his death; 3. A person whose mother is a national of the Republic of Korea, where the father is unknown or has no nationality; 4. A person born in the Republic of Korea, where both parents are unknown or have no nationality. A foundling discovered in the Republic of Korea is presumed to have been born in the Republic of Korea.
제3조 외국인으로서 다음 각호의 1에 해당한 자는 대한민국의 국적을 취득한다. 1. 대한민국의 국민의 처가 된 자 2. 대한민국의 국민인 부 또는 모가 인지한 자 3. 귀화한 자	ARTICLE 3 A foreigner who falls within any of the following subparagraphs acquires nationality of the Republic of Korea: 1. A woman who has become the wife of a national of the Republic of Korea; 2. A person legally acknowledged as a child by a father or mother who is a national of the Republic of Korea; 3. A person who has become naturalized.

제4조
외국인이 인지로 인하여 대한민국의 국적을 취득하는 때에는 다음 요건을 갖추어야 한다.
1. 본국법에 의하여 미성년일 것
2. 외국인의 처가 아닐 것
3. 부모중 먼저 인지한 자가 대한민국의 국민일 것
4. 부모가 동시에 인지한 때에는 부가 대한민국의 국민일 것

ARTICLE 4
Where a foreigner acquires nationality of the Republic of Korea through legal acknowledgment of parentage, the following requirements must be satisfied:
1. The person must be a minor under the law of his or her country of nationality;
2. The person must not be the wife of a foreigner;
3. The parent who first acknowledged the person must be a national of the Republic of Korea;
4. Where both parents acknowledged the person simultaneously, the father must be a national of the Republic of Korea.

제5조
외국인으로서 다음 요건을 갖춘 자는 법무부장관의 허가를 얻어 귀화할 수 있다.
1. 5년 이상 계속하여 대한민국에 주소가 있을 것
2. 만20세 이상으로서 그의 본국법에 의하여 능력이 있을 것
3. 품행이 단정할 것
4. 독립의 생계를 유지할 만한 자산 또는 기능이 있을 것
5. 국적이 없거나 또는 대한민국의 국적을 취득함으로 인하여 그 국적을 상실하게 될 것

ARTICLE 5
A foreigner satisfying the following requirements may become naturalized with the permission of the Minister of Justice:
1. The person must have had a domicile in the Republic of Korea continuously for at least five years;
2. The person must be at least twenty years of age and possess legal capacity under the law of his or her country of nationality;
3. The person must be of good conduct;
4. The person must possess assets or skills sufficient to maintain an independent livelihood;
5. The person must be stateless or must lose his or her existing nationality upon acquiring nationality of the Republic of Korea.

제6조
외국인으로서 다음 각호의 1에 해당하며 대한민국에 3년 이상 계속하여 주소가 있는 때에는 전조제1호의 조건을 갖추지 아니하여도 귀화할 수 있다.
1. 부또는 모가 대한민국의 국민이었던 자
2. 처가 대한민국의 국민인 자
3. 대한민국에서 출생한 자로서 부또는 모가 대한민국에서 출생한 자

ARTICLE 6
A foreigner who falls within any of the following subparagraphs and has had a domicile in the Republic of Korea continuously for at least three years may become naturalized without satisfying the requirement in subparagraph 1 of the preceding Article:
1. A person whose father or mother was formerly a national of the Republic of Korea;
2. A person whose wife is a national of the Republic of Korea;
3. A person born in the Republic of Korea whose father or mother was also born in the Republic of Korea.

제7조
외국인으로서 다음 각호의 1에 해당하며 현재 대한민국에 주소가 있는 때에는 본법제5조제1호, 제2호 및 제4호의 요건을 갖추지 아니하여도 귀화할 수 있다.
1. 부또는 모가 대한민국의 국민인 자
2. 대한민국에 특별한 공로가 있는 자
3. 대한민국의 국적을 취득한 자의 처로서 대한민국의 국적을 취득하지 못한 자
전항제2호에 해당하는 자에게 귀화를 허가할 때에는 법무부장관은 대통령의 승인을 얻어야 한다.

ARTICLE 7
A foreigner who falls within any of the following subparagraphs and currently has a domicile in the Republic of Korea may become naturalized without satisfying the requirements of Article 5, subparagraphs 1, 2, and 4, of this Act:
1. A person whose father or mother is a national of the Republic of Korea;
2. A person who has rendered special meritorious service to the Republic of Korea;
3. A woman who is the wife of a person who acquired nationality of the Republic of Korea but who herself did not acquire such nationality.
When granting naturalization to a person falling within subparagraph 2 of the preceding paragraph, the Minister of Justice must obtain the approval of the President.

제8조
대한민국의 국적을 취득하는 자의 처는 그의 본국법에 반대규정이 없는 한 부와 같이 대한민국의 국적을 취득한다.
대한민국의 국적을 취득하는 자의 자로서 본국법에 의하여 미성년자인 때에도 같다.

ARTICLE 8
The wife of a person acquiring nationality of the Republic of Korea acquires that nationality together with her husband, unless the law of her country of nationality provides otherwise.
The same applies to a child of a person acquiring nationality of the Republic of Korea if the child is a minor under the law of the child's country of nationality.

제9조
외국인의 처는 부와 같이하지 아니하면 귀화할 수 없다.

ARTICLE 9
The wife of a foreigner may not become naturalized unless she does so together with her husband.

제10조
귀화인, 귀화인의 처 또는 자는 다음의 직에 취임하지 못한다.
1. 대통령, 부통령
2. 국무위원
3. 특명전권대사, 공사
4. 국군총사령관, 참모총장
제3조제1호 또는 제8조의 규정에 의하여 대한민국의 국적을 취득한 자도 같다.

ARTICLE 10
A naturalized person, or the wife or child of a naturalized person, may not hold any of the following offices:
1. President or Vice President;
2. Member of the State Council;
3. Ambassador Extraordinary and Plenipotentiary, or Minister [as a diplomatic envoy];
4. Commander-in-Chief of the Armed Forces, or Chief of Staff.
The same applies to a person who acquired nationality of the Republic of Korea under Article 3, subparagraph 1, or Article 8.

제11조
귀화는 관보에 고시하여야 한다.
귀화는 고시한 후가 아니면 효력을 발생하지 아니한다.

ARTICLE 11
Naturalization must be publicly notified in the Government Gazette.
Naturalization does not take effect unless and until such notification has been made.

제12조
대한민국의 국민으로서 다음 각호의 1에 해당한 자는 국적을 상실한다.
1. 외국인과 혼인하여 그 배우자의 국적을 취득한 자
2. 외국인의 양자로서 그 국적을 취득한 자
3. 혼인으로 인하여 대한민국의 국적을 취득한 자가 혼인의 취소 또는 이혼으로 인하여 외국의 국적을 취득한 자
4. 자진하여 외국의 국적을 취득한 자
5. 이중국적자로서 법무부장관의 허가를 얻어 국적을 이탈한 자
6. 미성년인 대한민국의 국민이 외국인의 인지로 인하여 외국의 국적을 취득한 자. 단, 대한민국의 국민의 처또는 양자가 된 자는 예외로 한다.

ARTICLE 12
A national of the Republic of Korea who falls within any of the following subparagraphs loses that nationality:
1. A person who acquires the nationality of a foreign spouse through marriage to that foreign national;
2. A person who acquires a foreigner's nationality through adoption as that person's child;
3. A person who acquired nationality of the Republic of Korea through marriage and subsequently acquires a foreign nationality as a result of annulment of the marriage or divorce;
4. A person who voluntarily acquires a foreign nationality;
5. A person holding dual nationality who renounces nationality of the Republic of Korea with the permission of the Minister of Justice;
6. A minor who is a national of the Republic of Korea and acquires a foreign nationality through legal acknowledgment as a child by a foreigner. However, a person who has become the wife or adopted child of a national of the Republic of Korea is excepted.

제13조
대한민국의 국적을 상실한 남자의 처 또는 미성년자인 자가 그의 국적을 취득한 때에는 대한민국의 국적을 상실한다.

ARTICLE 13
Where the wife or a minor child of a man who has lost nationality of the Republic of Korea acquires that man's nationality, the wife or minor child loses nationality of the Republic of Korea.

제14조
전2조의 규정에 의하여 대한민국의 국적을 상실한 자가 대한민국에 주소를 가진 때에는 법무부장관의 허가를 얻어 대한민국의 국적을 회복할 수 있다.
제8조의 규정은 전항의 때에 준한다.

ARTICLE 14
A person who has lost nationality of the Republic of Korea under either of the two preceding Articles may, if domiciled in the Republic of Korea, recover that nationality with the permission of the Minister of Justice.
Article 8 applies mutatis mutandis to the case described in the preceding paragraph.

제15조 귀화, 국적의 이탈과 회복에 관한 절차는 대통령령으로 정한다.	ARTICLE 15 Procedures concerning naturalization, renunciation of nationality, and recovery of nationality shall be prescribed by Presidential Decree.

제16조 국적을 상실한 자는 대한민국의 국민이 아니면 향유할 수 없는 권리를 국적상실한 날로부터 1년 이내에 대한민국의 국민에게 양도하여야 한다. 전항의 규정에 위반한 때에는 그 권리를 상실한다.	ARTICLE 16 A person who has lost nationality shall, within one year from the date of its loss, transfer to a national of the Republic of Korea any rights that may be enjoyed only by nationals of the Republic of Korea. If the person violates the preceding paragraph, the rights in question are forfeited.

부칙 <법률 제16호, 1948. 12. 20.> 이 법은 공포한 날로부터 시행한다.	SUPPLEMENTARY PROVISION · ACT NO. 16 This Act enters into force on the date of its promulgation.

Editorial apparatus

Notes and Sources

Editorial and translation notes

1. Enactment and version. The law was enacted, promulgated, and brought into force on 20 December 1948 as Act No. 16. The present edition reproduces the original 1948 enactment, not the law as later amended. The National Institute of Korean History's chronology independently records its promulgation on that date.

2. National and nationality (Arts. 1–3). 국민 is rendered "national" (a person possessing nationality) rather than the narrower everyday sense of "citizen." 국적 is "nationality." The English is intended to preserve legal status rather than suggest a specific right to vote or hold office.

3. Paternal and maternal lines (Art. 2). The 1948 statute follows the father as the primary criterion for nationality at birth. Nationality through the mother is stated when the father is unknown or stateless. This is a historical, gender-specific rule; it is not the present-day standard.

4. Foundlings (Art. 2). 기아 means a foundling or abandoned child. The text presumes a foundling discovered in the Republic of Korea to have been born there; it does not purport to establish the child's parentage.

5. Legal acknowledgment of parentage (Arts. 3–4, 12). 인지 is a technical family-law term, here "legal acknowledgment [as a child]" rather than a general act of noticing or recognizing someone. The order in which parents acknowledge a child is legally operative under Article 4.

6. Marriage and married women (Arts. 3, 4, 7–10, 12–13). 처 means "wife" and 부 means "husband" where the provisions concern marriage; 부 in the parentage provisions means "father." The translation does not neutralize these distinctions because the original explicitly differentiates

the legal treatment of men and women.

7. Domicile and continuous periods (Arts. 5–7, 14). 주소 is translated as “domicile” in the context of legal eligibility, rather than as merely a mailing address. The ordinary naturalization rule requires five years continuously; the Article 6 exception requires three; Article 7 requires present domicile while waiving specified Article 5 criteria.

8. Legal capacity and nationality law (Arts. 4–5, 8). 본국법 is rendered “law of [the person’s] country of nationality.” 능력 in Article 5 denotes legal capacity, not general ability or intelligence. The historic text presupposes rules of personal status linked to foreign nationality.

9. Naturalization exceptions (Arts. 6–7). Article 6 expressly exempts applicants from Article 5(1) while requiring a separate three-year domicile period. Article 7 expressly exempts applicants from Article 5(1), (2), and (4), not from the good-conduct and nationality conditions in Article 5(3) and (5). A presidential approval requirement applies to the special-merit case in Article 7(2).

10. Derivative acquisition and restrictions on office (Arts. 8–10). Article 8 addresses nationality acquired by a wife or minor child in connection with another person’s acquisition. Article 10 prohibits specified offices not only to naturalized persons, their wives and children, but also to persons acquiring nationality under Article 3(1) or Article 8. “공사” in the diplomatic list means “minister [envoy],” not a construction project.

11. Gazette notification (Art. 11). 관보 is the Government Gazette; 고시 is an official public notice, translated “publicly notified.” The text makes publication of the naturalization notice a condition of the legal effect of naturalization.

12. Loss, renunciation, recovery (Arts. 12–15). 국적을 상실하다 is “to lose nationality”; 국적을 이탈하다 is “to renounce nationality”; 국적을 회복하다 is “to recover nationality.” The three concepts are kept distinct, including the permission condition for renunciation by a dual national in Article 12(5).

13. Cross-references and Latin legal usage (Art. 14). 전2조 means the two preceding articles (Articles 12 and 13). 준한다 indicates application of an earlier rule with the necessary adjustments; “applies mutatis mutandis” is used here to preserve this legal mechanism.

14. Rights reserved to nationals (Art. 16). The statute requires a person losing nationality to transfer rights reserved exclusively to Korean nationals within one year of loss, failing which those rights are forfeited. It does not specify the substantive categories of rights in Article 16 itself.

15. Editorial limits. The enactment wording was checked against the National Law Information Center original-version transcription and the 1948 text independently reproduced on Korean Wikisource; enactment details were compared with the National Archives. A direct comparison with the December 1948 Government Gazette facsimile and independent specialist proofreading remains outstanding. This edition makes no claim of official authentication.

Primary-source references

Republic of Korea. “국적법” [Nationality Act]. Act No. 16, December 20, 1948, original enacted version. National Law Information Center. https://www.law.go.kr/LSW/lsInfoP.do?lsiSeq=4319.

National Archives of Korea. “국적법” [Nationality Act], historical legal overview, section “1948년 신규제정.” https://www.archives.go.kr/next/newsearch/listSubjectDescription.do?id=001425&pageFlag=&sitePage=.

National Institute of Korean History. “대한민국사연표,” December 20, 1948 (record of promulgation). https://db.history.go.kr/diachronic/level.do?levelId=tcct_1948_12_20.

“국적법 (대한민국, 제16호)” [Nationality Act (Republic of Korea, Act No. 16)]. Korean Wikisource, transcription of original enactment. https://ko.wikisource.org/wiki/국적법_(대한민국,_제16호).

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